



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

July 17, 2000

[Redacted]

SUBJECT: ALLEGATION NO. RIII-99-A-0210

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This letter is in reference to our January 14, 2000, letter which indicated that we would initiate action to review your concerns related to activities at ABB Combustion Engineering located in Hematite, Missouri. You were concerned about discrimination for raising a safety issue and the training provided to workers assigned to plant operations during the labor strike.

Because your discrimination concern (concern 1) is being evaluated by the Department of Labor (DOL), the NRC has deferred its investigation pending completion of the DOL's evaluation. Upon completion of the DOL's evaluation, the NRC will review the DOL's decision (and information developed by the DOL) to determine if further NRC investigation is needed in order for the NRC to reach a decision whether or not to proceed with enforcement action.

We have completed our review of your second concern related to training, as noted in the enclosure to this letter. Based on the results of our review of this issue, we partially substantiated the concern. Since no violations of NRC requirements or safety issues were identified, we do not plan any further inspections and consider the issue closed. If you disagree with our conclusion or wish to provide additional information, please contact the Region III Office Allegation Coordinator at the address provided below.

Thank you for informing us of your concerns. Should you have any additional questions, or if we can be of further assistance in this matter, please contact one of the Region III Office Allegation Coordinators by writing to the U.S. Nuclear Regulatory Commission, Region III, at 801 Warrenville Road, Suite 255, Lisle, Illinois 60532-4351, or calling the NRC Region III

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switchboard toll free at (800) 522-3025 or the NRC Safety Hotline at (800) 695-7403. Your cooperation is appreciated.

Sincerely,


Cynthia D. Pederson, Director
Division of Nuclear Materials Safety

- Enclosures: 1. Summary of Concerns
2. NRC Inspection Report 070-00036/99-006(DNMS)

cc w/enclosures: AMS File No. RIII-99-A-0210

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Concern 2:

You claim that the licensee required you to work in a hazardous area during a labor strike. You stated that the training provided was not adequate to work in the area. You stated that you discussed this concern with your supervisor. During this conversation, you asked the supervisor to reassign you to another area. The supervisor gave you the choice of working in the assigned area or leaving.

NRC Conclusion:

This issue was reviewed by the NRC during an independent inspection.

The concern was partially substantiated in that you were required to work in a hazardous area during the labor strike, and that the area was within the contamination control boundary of the facility. However, based on information obtained during the inspection, the training was appropriate to ensure that workers who filled in for those who had gone on strike could accomplish required tasks safely and in accordance with NRC requirements.

The NRC conducted an extensive inspection into the adequacy of the training provided to personnel to fill those positions vacated by those workers who went on strike at the licensee's facility. We have documented our findings in NRC Inspection Report No. 070-00036/99-006(DNMS) dated December 22, 1999. A copy of the report is enclosed. That inspection also determined that you had been assigned to work in the pellet plant preparing trays for inspection, which is within the contamination control boundary of the facility. Work in this area is considered to involve occupational exposure to radioactive material, and individuals working in this area are required to complete training on safe work practices.

In accordance with the training requirements, the licensee set up a special training program to address all required aspects of skills and abilities to ensure that safety and quality requirements were met by those individuals filling in for the personnel who had gone on strike. This training included both classroom and on-the-job training to ensure that workers had the necessary skills to safely conduct operations. The NRC determined that the training provided addressed pertinent information necessary to safely complete assigned operations, and that the classroom and on-the-job training was comprehensive. As stated in your interview, you only attended the first couple of days of that training program and never did work in the area. As such, you never completed the appropriate training to work in the area.

Based on the information obtained during the inspection, the NRC partially substantiated your concern. Since no violations of regulatory requirements or safety issues were identified, we consider this matter closed and plan no further actions.